

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Administrative Penalty
Order issued to the City of White Bear Lake
and Arnt Construction

FIRST PREHEARING ORDER

This matter came on for a Pre-Hearing Conference before Administrative Law Judge Eric L. Lipman on February 10, 2009; and,

IT IS HEREBY ORDERED:

1. By 4:30 p.m. on **Friday, April 10, 2009**, the parties shall file and serve statements identifying any person whom they expect to call as a specially retained expert witness; including a summary of the facts and opinions as to which the designated expert is expected to testify.
2. The period for discovery shall close on **Friday, April 24, 2009**.
3. The deadline for filing and service of any dispositive motion shall close at 4:30 p.m. on **Friday, April 24, 2009**.
4. By 4:30 p.m. on **Monday, May 4, 2009**, each party will file and serve copies of the pre-labeled exhibits that it proposes to offer into the hearing record. The Agency shall label its exhibits sequentially using letters. Respondent, City of White Bear Lake shall label its exhibits sequentially from 1 through 99. Respondent Arnt Construction shall label its exhibits sequentially from 100 through 199.
5. By 4:30 p.m. on **Monday, May 4, 2009**, each party will file and serve a list of the witnesses that it intends to call at the evidentiary hearing.
6. By 4:30 p.m. on **Friday, May 8, 2009**, the parties will file and serve a statement (under Minnesota Rule 1400.6950 (2)) detailing any objection to the foundation of a written exhibit.

7. An evidentiary hearing in this matter will be held at the Saint Paul office of the Office of Administrative Hearings on **Monday, May 18, 2009**, beginning at 9:30 a.m., and will proceed on a successive day through **Tuesday, May 19, 2009**.

Dated: February 13, 2009.

/s/ Eric L. Lipman

ERIC L. LIPMAN
Administrative Law Judge